



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Delta Elevator Service Corporation
File: B-224903
Date: October 30, 1986

DIGEST

Protest against restrictive specifications is dismissed as untimely where protester failed to file written protest to either agency or General Accounting Office prior to bid opening.

DECISION

Delta Elevator Service Corporation protests any award under invitation for bids (IFB) No. 523-24-86, issued by the Veterans Administration for elevator modernization at the V.A. Medical Center in Boston.

We dismiss the protest as untimely.

The IFB required the installation of a microprocessor overlay to be tied into the existing control system. Delta contends that the specifications are restrictive because in order to install the new computer system it is necessary to have access to wiring diagrams of the existing control system, which are owned by Schindler-Haughton Co.

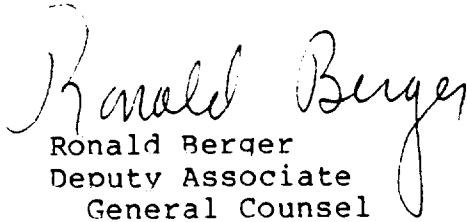
Delta hand-delivered a protest to the bid opening officer on September 29, 1986, after bids had been opened, and filed a protest with our Office on October 6. Delta also states that it raised the matter during a conference prior to bid opening.

Our Bid Protest Regulations require that protests based on alleged solicitation improprieties apparent on the face of the solicitation be filed with either the contracting agency or our Office prior to bid opening. 4 C.F.R. § 21.2(a)(1) and (3) (1986); Jones Refrigeration Service, B-221661.2, May 5, 1986, 86-1 CPD ¶ 431. Delta did not comply with this requirement. As far as the prebid conference is concerned,

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any mention of the matter by the protester would not constitute an agency protest because oral protests are no longer provided for under the Federal Acquisition Regulation, 48 C.F.R. § 33.101 (1985); Anthony R. Teel, B-219052, Oct. 4, 1985, 85-2 CPD ¶ 379. Delta's protest is therefore untimely and will not be considered.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel